

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

FOR THE WESTERN DIVISION

VIVIAN BERT, et al., : CASE NO. 1:02CV00467

Plaintiffs, : Judge Beckwith

v. :

AK STEEL CORPORATION, :

Defendant. :

Deposition of DARLENE D. CARTER, taken on
Wednesday, August 15, 2007, commencing at 2:08
p.m., at the offices of Taft, Stettinius &
Hollister LLP, 425 Walnut Street, Suite 1800,
Cincinnati, Ohio, before Susan M. Barhorst, Notary
Public.

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1 APPEARANCES:

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8 On behalf of Defendant AK Steel Corporation:

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13 Cross-Examination

14 by Ms. Pryor 3

15 by Ms. Donahue 64

16 * * *

17 CARTER DEPOSITION EXHIBITS MARKED/IDENTIFIED

18 1 11

19 2 26

20 3 46

21 4 58

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24

1 DARLENE D. CARTER

2 being first duly sworn, testified as follows:

3 CROSS-EXAMINATION

4 BY MS. PRYOR:

5 Q. Ms. Carter, my name's Patty Pryor and
6 I represent AK Steel in a lawsuit you filed against
7 them.

8 Will you state your full name for the
9 record?

10 A. Darlene Denise Carter.

11 Q. And have you ever been involved in
12 litigation before?

13 A. No.

14 Q. Have you ever testified under oath
15 before?

16 A. No.

17 Q. Okay. I want to just give you a few
18 ground rules. One thing, you do have to answer
19 verbally so the court reporter can take everything
20 you say down. No nodding and shaking of the head.
21 It's hard to take down. "Ah-huh's" and
22 "na-huh's" --

23 A. Wait a minute. I was called by jury
24 duty one time. I can't remember if they swore me

1 in at that time or not, you know. But I didn't get
2 on jury duty.

3 Q. Okay.

4 A. I can't remember if they swore me in
5 before then or not.

6 Q. Okay. You didn't provide testimony.
7 You were --

8 A. No, I didn't -- but --

9 Q. Okay. So "na-huh," "ah-huh's" are
10 also hard to kind of take down.

11 A. Okay.

12 Q. If you do, we'll try to remind you.

13 A. Okay.

14 Q. It's common in ordinary conversation.
15 If you need to take a break at any time, we can do
16 that. If you don't understand a question I ask,
17 please ask me to rephrase it or let me know that
18 you don't understand it.

19 A. Mm-hmm.

20 Q. If you don't hear a question I ask,
21 please ask me to repeat it, that you are answering
22 what I'm asking --

23 A. Okay.

24 Q. -- okay? Is there any reason why you

1 cannot truthfully testify today?

2 A. There's no reason.

3 Q. Okay. Do you have any medical
4 condition that prevents you from recalling events?

5 A. No.

6 Q. Are you currently taking any
7 medication?

8 A. No.

9 Q. Did you take any alcohol or drugs or
10 other medication this morning?

11 A. No.

12 Q. Is there any medication that you
13 normally take that you didn't take today?

14 A. No.

15 Q. Have you ever filed for bankruptcy?

16 A. No.

17 Q. Have you ever been convicted of a
18 crime?

19 A. No.

20 Q. Why did you file this lawsuit?

21 A. Well, 'cause I felt like I was treated
22 unfairly. I thought I should have got the job.

23 Q. What job is that?

24 A. At AK Steel.

1 Q. And how were you treated unfairly?

2 A. Well, I -- the test that I took, I
3 thought I passed it, and then she told me I didn't
4 and I'm pretty sure I did.

5 Q. Why were you pretty sure you did?

6 A. 'Cause it was simple. It was a kinda
7 easy test, you know.

8 Q. Any other reason why you filed this
9 lawsuit?

10 A. No. I just thought I was being
11 discriminated against.

12 Q. What are you seeking to obtain by this
13 lawsuit?

14 A. Well, whatever they want to give me
15 and also that they would be more fairly as hiring
16 blacks.

17 Q. Are you seeking damages?

18 A. No. It did kind of hurt me, but
19 it's --

20 MS. DONAHUE: Object to the form.
21 That's a legal term. But go ahead and answer it to
22 the best of your knowledge.

23 A. Okay. Like I'm -- it really hurt me.
24 You know, I feel some kind of damage there. I

1 don't know, but I was hurt behind it.

2 Q. Are you seeking damages? Are you not
3 seeking damages?

4 MS. DONAHUE: Object to the form.
5 That's a legal --

6 A. I would say, yeah.

7 Q. Yeah?

8 A. (Witness nodded.)

9 Q. How did you become part of the group
10 that filed the lawsuit?

11 A. Well, my brother, Darrell, he was
12 talking to Cosby. I believe that's who it was
13 and --

14 Q. Who?

15 A. I don't know his first name. I just
16 know his last name is Cosby.

17 Q. Cosley?

18 A. Cosby.

19 Q. Cosby?

20 A. Yes. And he told me Cosby had told
21 him about the lawsuit and he gave him my name to
22 join, Cosby. And also I do believe he gave my
23 daughter's name to Cosby. And I think that's my
24 twin brother Darrell, Darrell Carter.

1 Q. And when was the next time you heard
2 anything about the lawsuit?

3 A. Oh, gee. I can't remember.
4 Probably -- you know, I really don't remember.

5 Q. Did you have any meetings about the
6 lawsuit?

7 A. Before we talked to our lawyers you
8 mean or anything like that?

9 Q. Yeah, before you talked to your
10 lawyers.

11 A. No, I don't think we did.

12 Q. Did you have any meetings with your
13 lawyers?

14 A. Well, of course we had meetings with
15 lawyers, yes.

16 Q. How many did you have?

17 A. How many did we have with our lawyers?
18 Probably about -- I can't remember right offhand,
19 but maybe like three, four, somewhere in that area.
20 I'm not for sure.

21 Q. Have you had any meetings since the
22 lawsuit has been filed without your lawyers
23 present?

24 A. No.

1 Q. Have you talked about the lawsuit with
2 any of the other plaintiffs?

3 A. No.

4 Q. Have you talked about it with your
5 brother?

6 A. Well, we just wonder what's going to
7 happen. That's about it, you know. How long it's
8 going to last. That's about it. Before -- there's
9 no reason for us really to go into details because
10 what I know, he knows. You know, more likely. We
11 just talk about what's -- how long it's going to
12 take and on the general -- of that order.

13 Q. Have you talked about what you're
14 expecting to receive out of it?

15 A. Not really. We don't know what we're
16 going to receive out of it. We have no ideal
17 (sic). Don't know.

18 Q. Have you talked about any expectation
19 in a monetary figure?

20 A. No.

21 Q. Do you understand that you're seeking
22 to be a class representative?

23 A. Excuse me?

24 Q. Do you understand that you are seeking

1 to be a class representative?

2 A. A class -- what do you mean by that,
3 represent? What do you mean? It's --

4 Q. That you had -- that you're seeking to
5 represent a class?

6 A. Yes.

7 Q. What do you understand your role in
8 that regard?

9 A. That, I don't understand too much. I
10 just know class representative is a group of us. I
11 don't understand the question, really.

12 Q. You don't understand what --

13 A. Class.

14 Q. -- your role is as a class --

15 A. Right --

16 Q. -- representative?

17 A. -- yeah.

18 Q. Do you know where settlement
19 negotiations stand in this case?

20 A. No.

21 Q. Do you know how much your attorneys
22 have spent in fees and expenses in this case?

23 A. No.

24 Q. You've been handed what's been marked

1 as Exhibit 1. Have you seen this document before?

2 A. I do I believe I have. Something
3 close, similar to it, yes.

4 Q. Did you review the document when you
5 received it?

6 A. Yes, I did. I can't remember
7 everything that was in here, but it looks very
8 familiar to me.

9 MS. DONAHUE: Look all the way through
10 it.

11 A. I believe I have seen it before, yes.

12 Q. Did you understand that you were
13 agreeing to gather and produce documents as a
14 result of this document?

15 A. Excuse me?

16 Q. Did you understand that you were
17 required to gather and produce documents as a
18 result of --

19 A. Yes.

20 Q. -- Exhibit 1? Did you gather
21 documents?

22 A. Excuse me?

23 Q. Did you gather documents?

24 A. No.

1 Q. What's your current address?

2 A. 908 South Eighth Street, Ironton,
3 Ohio.

4 Q. And I understand that Marnie Carter
5 lives with you?

6 A. Yes.

7 Q. And that's your daughter?

8 A. Yes.

9 Q. Do you have any other children?

10 A. Yes, I do. One child, one girl,
11 another girl.

12 Q. And how old is she?

13 A. She's 14.

14 Q. And how old is Marnie?

15 A. Marnie is 37.

16 Q. And are you married?

17 A. No.

18 Q. Have you ever been married?

19 A. No.

20 Q. What's your education?

21 A. Tenth grade and I got my GED in '75.
22 I do believe that's when it was.

23 Q. When did you drop out of school, then?

24 A. That would be about '74, '75, in that

1 area. '74, I do believe it was.

2 Q. You and your twin brother, Darrell,
3 dropped out the same year?

4 A. I thought he got his -- I thought he
5 finished school. I thought he got his diploma.

6 Q. Have you attended any college?

7 A. No.

8 Q. Have you received any other degrees or
9 courses or training?

10 A. No.

11 Q. What did you do for employment after
12 high school?

13 A. After high school?

14 Q. Mm-hmm.

15 A. Okay. Let's see. I -- my first job
16 was just at a restaurant called Bakers, the
17 restaurant. That was located in Ironton. Then I
18 went to --

19 Q. Let's stop with that one. What did
20 you do there?

21 A. I was just -- it was like a teen
22 center and I just worked the counter, like a --

23 Q. How long did you work there?

24 A. Oh, wow. Probably a year and a half,

1 two years. I'm not for sure about that, though.

2 Q. And why did you leave?

3 A. It closed down.

4 Q. And what was your next employer, then?

5 A. My employer next was at Wilson
6 Sporting Goods.

7 Q. Do you know about what year you
8 started there?

9 A. '76, I do believe it was.

10 Q. Okay.

11 A. 1976.

12 Q. And what did you do there?

13 A. I was a glove lacer. I laced ball
14 gloves.

15 Q. Okay. And how long did you work
16 there?

17 A. I worked there until they closed down
18 in '90 -- let me see. Let me think here now. I
19 think it was '92.

20 Q. And you left because they closed down?

21 A. Yes.

22 Q. Did your brother, Darrell, also work
23 at Wilson?

24 A. I remember having a brother working

1 there at Wilson's, but I don't know if it was
2 Darrell. I think it was Darrell.

3 Q. Okay. And where did you work after
4 Wilson?

5 A. From there, I went to -- let me put
6 this together. Allen's Jewelry store.

7 Q. I'm sorry. What was the name of that?

8 A. Allen's.

9 Q. Jewelry store?

10 A. Yes.

11 Q. And what did you do there?

12 A. I was a maintenance -- and I also did
13 a little bit of clerk there, too, but mostly
14 maintenance.

15 Q. And how long did you work there?

16 A. I worked there probably about two
17 years.

18 Q. And why did you leave that employment?

19 A. They had cut my hours and I had found
20 another job.

21 Q. You voluntarily left?

22 A. Yes, for a better job.

23 Q. What job was that?

24 A. The Ironton Intermet.

1 Q. And what year did you go to Ironton
2 Intermet?

3 A. That was in 19 -- of 1992.

4 Q. So early --

5 A. Wait a minute. Wait a minute. That
6 couldn't be right. The date is not right there. I
7 went to Intermet in '92. Left Allen's because I
8 found a better job. They cut my hours.

9 So Wilson's had to close down before
10 '92. So I worked at Allen's probably about a year.
11 So Wilson's closed down in -- let me see, '76. I
12 worked at Wilson's six years.

13 Q. So until '82, '83?

14 A. Right, '82.

15 Q. '82?

16 A. Yeah.

17 Q. Did you go directly from Wilson's to
18 Allen's Jewelry?

19 A. I started Allen's -- I worked there
20 about two years. So that would have been back in
21 '92. That should have been about 1990.

22 Q. Okay. And did you do anything between
23 1983 and 1990?

24 A. I know I did something in between, I

1 think. It's not much. I know that. Seems like
2 I'm forgetting something. Oh, I worked for Bacon's
3 again, you know.

4 Q. How do you spell that?

5 A. Bacon's, B-A-C-O-N.

6 Q. And what did you do for Bacon's?

7 A. The same thing I did for him before.
8 He reopened in his house -- he had a restaurant at
9 his house and I worked for him at his house, just
10 like a cook and waitress, whatever.

11 Q. And how long did you work there?

12 A. Probably about -- maybe from -- I
13 think I did that from about two, two and a half
14 years, two years. About two years.

15 Q. And why did you leave there?

16 A. He got mad at me. We was going
17 together at the time. He got mad at me. We just
18 split up.

19 Q. You had been dating?

20 A. Yes.

21 Q. Okay.

22 A. But he was paying me for working for
23 him.

24 Q. Did he fire you or did you quit?

1 A. I had to quit. He got kinda abusive.

2 Q. Might help to --

3 A. He got kind of violent, a little
4 violent.

5 Q. Any other employment between --

6 A. From there?

7 Q. -- Wilson and Intermet?

8 A. No, not that I can think of right now.

9 Q. And Intermet, how long did you work
10 there?

11 A. I started there in '92 until they
12 closed down. I think my last time working there
13 was the end of -- I mean, December '90 -- 1999.
14 I'm not for sure about the dates, though, but
15 that's close -- around that area.

16 Q. Okay. What did you do for Intermet?

17 A. I was -- I started as a processor, and
18 then I moved up to a core maker where you ran
19 machines. I also did other little jobs in the
20 labor, like I would clean the machine boxes or
21 whatever they needed me to do at the time.

22 Q. Okay.

23 A. I was mostly a core maker.

24 Q. Did any of these previous employers

1 have a pre-employment test?

2 A. Excuse me?

3 Q. Did any of these previous employers
4 that you've talked about so far, did any of them
5 have an employment test --

6 A. What do you mean?

7 Q. -- when they hired --

8 A. A test for me to get hired?

9 Q. Mm-hmm.

10 A. Yes. With Allen's, I didn't.
11 Wilson's, I must have got -- I can't remember about
12 Wilson's. Bacon's, no. Intermet, yes. I said --
13 that's it.

14 Q. How long was the test at Intermet?

15 A. Oh, I don't remember. I don't. The
16 test probably -- I don't remember. Around a half
17 an hour. I'm not for sure, 45 minutes.

18 Q. And did you leave Intermet because it
19 closed down?

20 A. Yes. I had bad luck with places
21 closing down on me.

22 Q. And what did you -- what was your next
23 place of employment?

24 A. There, I left Intermet and I did a job

1 at Sam's. They had a floral department then. And
2 my sister told them that I could work for them for
3 a week or so, a week and a half, two weeks. And
4 from there, I went to put a application in at
5 Sam's.

6 Q. So -- got lost there. You went to
7 Sam's and worked for a week or two, and then --

8 A. Oh, that's all she needed me for in
9 the floral department. She just needed the help
10 for two weeks.

11 Q. So you worked two weeks in the floral
12 department, and then hired on as a regular
13 employee --

14 A. Yes --

15 Q. -- at Sam's?

16 A. -- later on, about a year later.

17 Q. Okay.

18 A. I tried to get on sooner, but they
19 kept losing my application. It was in the computer
20 and they kept telling my sister to come -- to come
21 and put it in. I put it in. I don't know if they
22 was giving me a runaround or what. But I finally
23 got hired.

24 Q. And did your sister work there?

1 A. Yes.

2 Q. And what's your sister's name?

3 A. Her name's Dawn Campbell.

4 Q. And did your brother, Darrell, work at
5 Internet with you?

6 A. Well, we worked in the same building,
7 yes. But we didn't work -- we worked in different
8 departments.

9 Q. Okay. Do you know anything about his
10 job performance at Internet?

11 A. His?

12 Q. Yes.

13 A. All I know is he worked on the
14 furnaces, worked on the iron --

15 Q. Okay.

16 A. -- you know.

17 Q. And did your daughter, Marnie, also
18 work --

19 A. Yes.

20 Q. -- at Internet?

21 A. Yes.

22 Q. Do you know anything about her
23 performance there?

24 A. She worked in the same department I

1 did and I know -- I can't remember if she got hired
2 as a processor. But I do know she lost -- most of
3 the time she was there, she was a tow motor -- and
4 she might have did like little labor jobs, too,
5 little other jobs, odd jobs. But she was mostly
6 tow motor.

7 MS. DONAHUE: What's that word now?

8 THE WITNESS: Tow motor.

9 MS. DONAHUE: Oh, tow?

10 THE WITNESS: Yes, well, forklift,
11 yes. We call them tow motor, though, yeah.

12 BY MS. PRYOR:

13 Q. So was it roughly August 2002 that you
14 got hired on at Sam's Club?

15 A. Yes.

16 Q. And are you still there?

17 A. Yes.

18 Q. And what do you do there now?

19 A. I'm a demo.

20 Q. Demo?

21 A. Demo.

22 Q. You perform demos?

23 A. Yes, I do demos.

24 Q. Is that like when you walk through the

1 store and someone is there doing --

2 A. I am. Yeah, I just -- like I might
3 demo food and let them taste it or I might do light
4 bulbs or detergent, anything. Whatever they need
5 done.

6 Q. Okay. And what's your rate of pay
7 there?

8 A. My rate of pay right now is 8.40.

9 Q. And what was it when you got hired in?

10 A. Oh, wow. What was it when I got
11 hired? Six -- I'm not for sure. It was
12 six-something, six -- shew, six -- I have to say
13 around 6.60, 70.

14 Q. And how many raises have you received?

15 A. I received four.

16 Q. Roughly one a year?

17 A. Yes.

18 Q. And what are your hours?

19 A. My hours, right now it's very slow. I
20 could never tell you my hours. I work seven and a
21 half hours a day, but sometimes it can be four days
22 a week, three days. I never know. Maybe two days.

23 Q. Do you ever work five days?

24 A. Around the holidays.

1 Q. And do you receive any benefits at
2 Sam's Club?

3 A. No, none right now. I am --
4 receive -- I'm part time.

5 Q. You're part time?

6 A. Yes.

7 Q. Have you looked for any other
8 employment?

9 A. Yes.

10 Q. Where else have you applied?

11 A. Marathon.

12 Q. When did you apply there?

13 A. Last year, around this time last year.

14 Q. And did you get a job offer?

15 A. No, I'm -- no.

16 Q. Do you know why?

17 A. No, na-huh.

18 Q. Do you believe it had anything to do
19 with your race?

20 A. Right now, no, I don't because I
21 didn't take the test or anything and I left open
22 the race, no.

23 Q. Where else have you applied?

24 A. I also applied for -- let me see.

1 There was someplace else. We got -- I know there's
2 someplace else. I can't remember. That might be
3 it, but it seemed like there was someplace else.
4 Might have been, but that --

5 Q. Have you ever been terminated from an
6 employer?

7 A. No.

8 Q. Have you ever been disciplined at
9 work?

10 A. No.

11 Q. Ever received a verbal counseling?

12 A. No.

13 Q. Have you ever had an incident or
14 accident at work?

15 A. No.

16 Q. You ever been involved in an incident
17 involving company property damage?

18 A. I broke a dish at Allen's Jewelry
19 store.

20 Q. You broke a dish?

21 A. Yeah.

22 Q. Anything else?

23 A. That's all I can think of right now.

24 Q. Ever had a safety infraction?

1 A. No.

2 Q. Have you ever sued or threatened to
3 sue any other employer?

4 A. No.

5 Q. How many times did you apply at AK
6 Steel?

7 A. Once.

8 Q. You've been handed what's been marked
9 as Exhibit Number 2. Is this a copy of your
10 application to AK Steel?

11 A. Yes, it does look like it is, so far.
12 Yeah, it looks awful close to it. Yes, it is.

13 Q. It is?

14 A. I believe, yes.

15 Q. Is that your handwriting throughout?

16 A. It don't look like it, but a lot of
17 times my handwriting -- writing don't look like
18 mine, but it doesn't look like it.

19 Q. Is that your signature?

20 A. The front does.

21 Q. The front does?

22 A. The top, my name. Yes, yes, yes,
23 mm-hmm.

24 Q. Yes, it is?

1 A. Yes.

2 Q. Is that your signature on the bottom
3 of the last page?

4 A. Yes.

5 Q. Okay. And on the top of the first
6 page, next to your name is a date and a line and it
7 says 10/3/2001?

8 A. Mm-hmm.

9 Q. Do you believe that's when you
10 completed this application?

11 A. Yes, I did because I told -- my lawyer
12 said it was in 2002. I thought it was in 2000. I
13 wasn't for sure, though.

14 Q. Okay.

15 A. Yeah.

16 Q. But seeing this now refreshes you that
17 it was --

18 A. Yes, it does, mm-hmm.

19 Q. How did you get this application?

20 A. Oh, let's see. You know, I really
21 don't remember. I went to a job fair. Let me see.
22 I really don't remember.

23 Q. You mentioned you went to a job fair?

24 A. I went to a job fair, yeah, but I -- I

1 don't know if I got it from there or where.

2 Q. Okay. Did you go to the job fair with
3 somebody?

4 A. Yes. I went with my daughter, Marnie.

5 Q. Do you remember if you talked to
6 anyone at the job fair?

7 A. Can't remember. I think that's where
8 I got that from. I'm not for sure, though.

9 Q. Okay. Do you remember submitting the
10 application anywhere?

11 A. Shew, it's been so long. I don't
12 remember hardly nothing. I'm not for sure about
13 where I got the application from.

14 Q. Do you know how it got from you back
15 to AK Steel?

16 A. I think I took it back to AK Steel and
17 turned it in.

18 Q. Okay. Do you know who you gave it to
19 at AK Steel?

20 A. No, I don't remember.

21 Q. Do you remember any conversation with
22 anybody at AK Steel?

23 A. No.

24 Q. Okay. Do you know what happened next

1 after you turned in your application?

2 A. I can just remember -- I remember how
3 it was set up for the test -- you know, to come and
4 take a test.

5 Q. You don't know how it was set --

6 A. I don't remember, no. It'll come to
7 me. Just think here. That's bad. I don't
8 remember. I'm sorry.

9 Q. Okay. Do you remember taking the
10 test?

11 A. Yes, I do remember that.

12 Q. You went into AK Steel to take it?

13 A. Yes.

14 Q. Did anyone else go with you to take
15 it?

16 A. Marnie went with me. We went at the
17 same time.

18 Q. Okay. There were others in the test
19 room as well?

20 A. Yes.

21 Q. You thought the test was easy?

22 A. I thought it was common -- more common
23 sense, yes.

24 Q. Okay. Did anyone talk to you at the

1 test?

2 A. There was a lady who was there, gave
3 us the test. I can't remember her name. Seems
4 like it might have been Susan, too. I'm not for
5 sure. Gave us a test. And Susan, I do believe her
6 name is. I don't know her last name.

7 Q. Did she say anything?

8 A. No. She just told us that we was --
9 we all sat there in a group and we took the test
10 and she timed us on each part of the test. That's
11 it. I don't remember anything special or anything
12 out of the way, you know.

13 Q. Okay. What happened after you
14 completed the test?

15 A. After we complete the test, she just
16 told us to call back with a certain amount of time.
17 I can't remember if it was two days or two weeks.
18 And she'd let us know if we passed it or whatever.

19 Q. And did you do that?

20 A. Yes, we did. And she said we flunked
21 it.

22 Q. You say "we." Did you call separately
23 or did you call together?

24 A. We called separate, but we was

1 together, though, you know.

2 Q. Okay.

3 A. We was together. We called separate,
4 you know.

5 Q. So did she call first or -- I'm
6 assuming this is your daughter, Marnie?

7 A. Mm-hmm. I don't remember who called
8 first.

9 Q. And you were told that you failed it?

10 A. Yes.

11 Q. Did she tell you anything else?

12 A. No, that's all she could tell us.

13 Q. And was this Susan that you talked to
14 again?

15 A. I think it was Susan. I'm not for
16 sure. I don't remember.

17 Q. Did you ever hear back -- anything
18 else from AK Steel after that?

19 A. Nothing else.

20 Q. Did you ever try to contact AK Steel
21 again?

22 A. No, had no reason.

23 Q. Okay. Was anyone hostile to you
24 during the application process?

1 A. No.

2 Q. Was the application process itself
3 hostile?

4 A. No.

5 Q. On your application, you list the last
6 page, a Teresa Wilds?

7 A. Mm-hmm.

8 Q. Who is that?

9 A. She's a friend I worked with at Wilson
10 Sporting Goods.

11 Q. Okay. What about Claudia Holland?

12 A. Claudia is -- I just had a -- friend
13 of mine that I knew all my life.

14 Q. Have you worked with -- ever worked
15 with her?

16 A. With Claudia, no.

17 Q. What about Sue Birchfield?

18 A. She's a -- a friend, like an aunt to
19 me, you know.

20 Q. Have you ever worked with her?

21 A. Never.

22 Q. Why do you only list two employers on
23 your application?

24 A. Does it list two? I don't know why I

1 did that. Maybe 'cause I figured Bacon's was just
2 a boyfriend of mine I worked for and he didn't
3 count much. I don't know.

4 Q. What about the jewelry store?

5 A. Oh, it's not on here? I didn't put
6 that on here? It could be because maybe I was
7 looking for the dates or something. I don't
8 remember. I worked at Allen's. I don't understand
9 why that's not on there. I must have forgot to put
10 that on there.

11 Q. After you left Internet, did you get
12 unemployment?

13 A. Yes.

14 Q. Were you -- did you get the full
15 amount of unemployment?

16 A. Yes.

17 Q. Did they offer you any kind of tuition
18 assistance to get further education?

19 A. No, at least I don't remember.

20 Q. Did you do anything while you were out
21 on unemployment?

22 A. No.

23 Q. Did you search for any jobs during --

24 A. I looked --

1 Q. -- that time?

2 A. -- at different places, yes, mm-hmm.

3 Q. Did your brother, Darrell, apply at AK
4 Steel as well?

5 A. Yes.

6 Q. Do you know when he applied?

7 A. Not really. I know it was after when
8 I applied.

9 Q. Did you talk to him about applying?

10 A. Excuse me?

11 Q. Did you talk to him about applying?

12 A. Yes.

13 Q. What did you say?

14 A. I was asking him how come he didn't
15 apply with us.

16 Q. What did --

17 A. He just said he was going to and
18 eventually he did.

19 Q. Did you talk to Marnie about applying?

20 A. Yes. I asked her to go with me.

21 Q. Did you talk to either of them about
22 the test?

23 A. The test? We talked about one thing
24 on the test and I thought was kind of cute. I

1 don't know.

2 Q. What was that?

3 A. It was the wheel -- how far the wheels
4 travel. You have different size of wheels on a big
5 semi or something. And they wanted to know which
6 ones traveled the farthest, you know. We talked
7 about that. I thought that was kind of cute.

8 Q. What was the answer to that?

9 A. The smallest one.

10 Q. Anything else you talked about about
11 the test?

12 A. The test, I just told them I thought I
13 passed it and I do believe they said the same
14 thing. It's been awhile. But we all thought we
15 passed it.

16 Q. Did you guys talk at all about AK
17 Steel?

18 A. Just it'd be nice to have a job
19 there -- you know, to have some money -- you know,
20 make some good money.

21 Q. Anything else?

22 A. That and getting -- be nice to have a
23 job there. The test --

24 MS. DONAHUE: Could you put --

1 THE WITNESS: Oh, I'm sorry.

2 MS. DONAHUE: -- your hand down?

3 THE WITNESS: I'm sorry.

4 MS. DONAHUE: She's having --

5 THE WITNESS: I'm sorry.

6 MS. DONAHUE: That's okay.

7 A. About having a good job there. And
8 the test, we just thought we passed it and we
9 really didn't see what it had to do -- the test had
10 to do with that job, you know.

11 Q. What did you --

12 A. Which I don't know much about that
13 job, what the job consist of. But I can remember
14 that was discussed. That's about it.

15 Q. Have you guys had any discussions
16 about AK Steel since?

17 A. No, except for --

18 Q. Did you guys have any discussions
19 about either the lawsuit or AK Steel on your way
20 here to your deposition?

21 A. We were just wondering what was this
22 all about. That's it. You know, we was wondering
23 if -- who we was going to meet with and why it was
24 two days and when I made one day we'd meet with the

1 lawyers and I said -- you know, that's right. And
2 on the order of that, what they're going to do the
3 next two days -- you know, who we're going to meet
4 with and that's about it. Nothing big or nothing
5 out of the way.

6 Q. How old were you when you had Marnie?

7 A. Marnie, I was 15 when I had her.

8 Q. Did you drop out of school because of
9 that or did you drop out of school after that?

10 A. Right after that.

11 Q. Do you know why you were not hired by
12 AK Steel?

13 A. All I know, she said we flunked the
14 test.

15 Q. Do you know whether any white
16 applicant who failed the test was hired?

17 A. No.

18 Q. Do you know anyone else who has failed
19 the test?

20 A. No. Besides us, no.

21 Q. Do you know anyone who's passed the
22 test?

23 A. No. Well, I guess he's passed the
24 test because he got a job there, my nephew.

1 Q. Your nephew, who is that?

2 A. Terrence Campbell.

3 Q. Is he African-American?

4 A. Yes. He just got hired the past year.

5 Q. Do you know whether any white
6 applicant with the same or less qualifications than
7 you was hired?

8 A. Repeat that again.

9 Q. Yeah. Do you know whether AK Steel
10 hired a white applicant who had the same or less
11 qualifications than you?

12 A. That I know of, there was one guy, but
13 couldn't tell you his name because all I know him
14 by is Hammer. No, Booger. I'm sorry. His name is
15 Booger. They call him Booger. And he worked at
16 Wilson's with me.

17 Q. What do you know about him?

18 A. I just know he works at AK Steel. I
19 know he worked at Wilson -- I mean -- I'm sorry.
20 For Wilson's. I know he worked at the Ironton
21 Intermet with me and now I know he's working at AK
22 Steel.

23 Q. And what race is he?

24 A. He's white.

1 Q. And do you know anything about his
2 background or history?

3 A. Not really.

4 Q. Do you know anything about his
5 qualifications?

6 A. No.

7 Q. Anyone else?

8 A. There was a girl named Vicky Nelson.
9 Now, I heard that she was one who -- she's
10 Black-American. And also she -- she's, from what I
11 heard at first, she was one like me who got turned
12 down. Then somebody told me later that she worked
13 for two weeks -- weeks and that was it. So I don't
14 know which is true.

15 Q. Do you know Vicky Nelson?

16 A. Yes, I do know Vicky Nelson.

17 Q. Have you ever heard anything from her
18 directly?

19 A. No.

20 Q. You've heard from other people that --

21 A. Yes, that she flunked a test. Then
22 later I heard that she just worked two weeks. So I
23 don't know which is true. I don't know.

24 Q. Did anyone at AK Steel ever say

1 anything to you about your application?

2 A. No.

3 Q. Did anyone at AK Steel ever say
4 anything to you about why you were not hired?

5 A. No.

6 Q. Did anyone at AK Steel ever say
7 anything to you about your race?

8 A. No.

9 Q. Did anyone at AK Steel ever say
10 anything that you believe was discriminatory?

11 A. No.

12 Q. Did anyone at AK Steel ever do or say
13 anything that you thought was hostile or offensive?

14 A. No.

15 Q. Did you ever hear from anyone else
16 that anyone at AK Steel did or said anything that
17 was discriminatory?

18 A. Repeat that again.

19 Q. Did you ever hear from anyone else
20 that anyone at AK Steel ever did or said anything
21 that was hostile or offensive?

22 A. No.

23 Q. Did you ever hear from anyone else
24 that anyone at AK Steel ever did or said anything

1 that was discriminatory?

2 A. I'm sorry. Repeat that again.

3 Q. Did you ever hear from anyone else
4 that anyone at AK Steel ever did or said anything
5 that was discriminatory?

6 A. Not that I can remember.

7 Q. Did anyone at AK Steel treat you
8 differently than white applicants?

9 A. No.

10 Q. What evidence or facts do you have to
11 support your claim that you were discriminated
12 against because of your race?

13 MS. DONAHUE: Object to the form. Go
14 ahead.

15 A. Evidence of fact?

16 Q. Mm-hmm.

17 A. Is that what I've heard from my
18 lawyers and -- and also I just feel like I should
19 have been hired from my working at Ammally -- from
20 Intermet. It was Ammally, I'm sorry. My
21 experience there would have helped me. And I don't
22 know, just -- I feel like I should have just got
23 it.

24 Q. Anything else?

1 A. Not right now.

2 Q. Do you have any evidence or facts to
3 support your claim that you were treated
4 differently than white applicants?

5 A. Just what my lawyers have, you know.

6 Q. Do you know what any of that is?

7 A. Excuse me?

8 Q. Do you know what any of that evidence
9 is?

10 A. (Witness nodded.)

11 Q. Is that a "no"?

12 A. No.

13 Q. I'm sorry?

14 A. No.

15 Q. Have you told me every reason why you
16 believe you were not hired because of your race?

17 A. Excuse me?

18 Q. Have you told me every reason that you
19 believe you were not hired because of your race?

20 A. Well, I don't know if I can tell you
21 every reason. I'm kind of nervous right now. Just
22 that I believe I passed the test and from what my
23 lawyers say -- you know, and I know they don't have
24 no quotas of blacks over there. And I just feel

1 like I should have been accepted for a job.

2 Q. Have your lawyers told you that you
3 shouldn't be -- you were discriminated against?

4 MS. DONAHUE: Object to the form.
5 That's -- don't answer that.

6 A. Not really.

7 MS. DONAHUE: Don't answer that.

8 MS. PRYOR: Let me rephrase it.

9 BY MS. PRYOR:

10 Q. You said that your -- I asked if you
11 had evidence. You said just what my lawyers have
12 told you.

13 A. Well --

14 Q. And I'm confused about what
15 evidence --

16 A. No. Well, I --

17 Q. -- what you have.

18 A. -- must have misunderstood you.

19 Rephrase that again, please.

20 Q. Yeah. I asked for what -- all the
21 reasons why you believe you were not hired because
22 of your race.

23 Did you decide you were not hired
24 because of your race before you talked to the

1 lawyers or after you --

2 A. Yes, I did believe that before, before
3 that. I did thought (sic) that, yes.

4 Q. Okay. And so you said --

5 A. I --

6 Q. You said that you believe that you
7 passed the test?

8 A. Yes.

9 Q. That based on your own belief?

10 A. Yes, it is.

11 Q. Okay. Do you have any evidence to
12 support that you passed the test?

13 A. Have any evidence that support that I
14 have passed the test?

15 Q. Mm-hmm.

16 A. No, I have no evidence to show that I
17 passed it. But it was also -- it's a known fact in
18 that area that you have to know somebody to get
19 hired on at AK Steel. That was always said my
20 whole life -- you know, all that I can remember.
21 To get hired on at AK Steel, you have to know
22 somebody.

23 Q. Who said that?

24 A. Oh, gosh. I don't remember. It's

1 just -- a rumor, you know. It might be a rumor, I
2 don't know. Just talk, you know.

3 Q. Because they're a competitive
4 employer?

5 A. No, no. Just the community always
6 said -- you know, friends of mine, you know.

7 Q. It's hard to get hired on?

8 MS. DONAHUE: Object.

9 A. It's hard to get hired on.

10 Q. Yeah.

11 A. And you have to know somebody. You
12 have to know somebody.

13 Q. A lot of people want to work there?

14 A. Oh, yes.

15 Q. Any other reason why you believe you
16 were not hired because of your race?

17 A. That I wasn't hired because of my
18 race, na-huh, no.

19 Q. When did you form the belief that it
20 was because of your -- your race?

21 A. The time she told me I flunked the
22 test.

23 Q. That -- that very moment?

24 A. Well, right after I talked to her --

1 you know, and I thought -- you know, why? You
2 know.

3 Q. What kind of grades did you get in
4 school?

5 A. Gosh, they wasn't fantastic, but they
6 weren't real bad, either. I'd say on average of a
7 C.

8 Q. Okay. Have you ever failed a test?

9 A. Have I ever failed a test? Yes, I
10 have probably, yes. Not a lot, but yes.

11 Q. And I may have asked this and I
12 apologize if I did. But do you know who AK Steel
13 hired instead of you?

14 A. No.

15 Q. Do you know who at AK Steel decided
16 not to hire you?

17 A. Excuse me?

18 Q. Do you know who at AK Steel decided
19 not to hire you?

20 A. No.

21 Q. You've been handed what's been marked
22 as Exhibit 3. Have you seen this document before?

23 MS. DONAHUE: Look all the way
24 through.

1 A. I think I seen it once, yes, mm-hmm.

2 Q. Is that your signature at the bottom
3 of page 1?

4 A. Of page 1?

5 Q. Mm-hmm.

6 A. Yes, it is.

7 Q. And is that your signature on the last
8 page?

9 A. Yes, it is.

10 Q. Did you create this document or did
11 someone give it to you?

12 A. Someone gave me this.

13 Q. Who gave it to you?

14 A. I do believe it was my lawyers. I'm
15 not for sure. I remember seeing it. I don't
16 remember.

17 Q. Do you remember whether they mailed it
18 to you or handed it to you?

19 A. Whew. That, I don't remember, either.

20 Q. Underneath your name on the bottom of
21 page 1 is a date, June 14th, 2002. Is that the
22 date you signed it?

23 A. I would say it has to be. I'm not for
24 sure, but I would say so.

1 Q. Do you know what you did with it after
2 you signed it?

3 A. No, I don't. I'm sorry.

4 Q. Have you ever gone to the --

5 A. 'Cause I --

6 Q. I'm sorry.

7 A. 'Cause I don't remember how I got
8 this, whether it came in the mail or my lawyers or
9 what. I don't remember.

10 Q. Have you ever gone to the Equal
11 Employment Opportunity Commission?

12 A. Have I gone to the employment --

13 Q. Have you physically gone to the EEOC
14 office?

15 A. No. I don't remember, no.

16 Q. Did you review this document before
17 you signed it?

18 A. Yes.

19 Q. On page 2 under Roman Numeral II,
20 "Statement of Facts," it says that you applied in
21 January of 2002. Is that the application we
22 already looked at?

23 A. Yes.

24 Q. So would this be October 2001?

1 A. Yes, mm-hmm.

2 Q. Does this refresh your memory that you
3 did find out about it at a job fair?

4 A. Mm-hmm, I did find out about it, their
5 job, them hiring at a job fair, yes.

6 Q. Okay. And is this accurate where it
7 says about a week later they scheduled you for a
8 test?

9 A. Where is that at?

10 Q. It's about the third line down.

11 A. Okay.

12 Q. It says you filled out the
13 application. You then took it to the AK Steel
14 plant and a week later they called you. Is that
15 about the right timing?

16 A. About right, yes, about right.

17 Q. It wasn't very long after you applied
18 that --

19 A. It wasn't too long, yes. I do know
20 that.

21 Q. Okay. Did you ever receive a notice
22 of right to sue from the EEOC?

23 A. Excuse me?

24 Q. Did you ever receive a notice of right

1 to sue from the EEOC?

2 A. I don't remember, ma'am.

3 Q. You don't remember?

4 A. I don't remember, na-huh. I don't
5 remember what I got. I don't remember.

6 Q. You don't remember?

7 A. It's been so long, I don't remember.
8 And, see, things coming back to me. Seem like I
9 talked to a Cosby at the job fair.

10 Q. Okay. And what did you talk to him
11 about?

12 A. Them hiring, me putting my application
13 in at AK Steel.

14 Q. What did he tell you?

15 A. Just that I should put application in
16 at AK Steel. They was doing some hiring.

17 Q. That was at the job fair?

18 A. Mm-hmm.

19 Q. Was he at an AK Steel booth?

20 A. He wasn't at the booth. I don't know
21 he was there for AK Steel or what, but I know he
22 was there (sic). I don't know what he was there
23 for.

24 Q. Did you talk to him at any -- any

1 other time?

2 A. No.

3 Q. Is he the same person who told your
4 brother about this lawsuit?

5 A. Yes, I'm pretty sure I'm -- I would
6 say it was Cosby that told him.

7 Q. Do you know Mr. Cosby?

8 A. I don't know him like a friend or
9 nothing like that. No, I just know of him.

10 Q. What do you know of him?

11 A. I just know that he worked for AK
12 Steel and I just met him through this. And I -- I
13 don't know him too good.

14 Q. Have you had any conversations with
15 him since you applied?

16 A. I'm trying to think. Seemed like I
17 did. I'm not for sure. Conversations, no, not
18 directly with him, no.

19 Q. Okay. You have had conversations with
20 him or no?

21 A. No, no. It's a bad habit, no.

22 Q. Have you ever seen a psychologist or
23 counselor or a therapist?

24 A. No.

1 Q. Have you ever taken medication for
2 emotions or nerves or depression?

3 A. No.

4 Q. Has your daughter ever had any
5 problems with depression or emotions or nerves?

6 A. No.

7 Q. Has your brother ever had any problems
8 with depression, nerves --

9 A. No.

10 Q. -- or emotions?

11 A. No.

12 Q. Has your brother had any problems with
13 alcohol?

14 A. No problems, no.

15 Q. You're not aware of any?

16 A. No, he has no problems.

17 Q. Have we talked about all of your
18 employment?

19 A. Yes, I do believe so.

20 Q. Okay. Do you keep any notes or a
21 diary?

22 A. No.

23 Q. Did you make any notes about AK Steel?

24 A. No.

1 Q. Ever jot down anything about them?

2 A. No.

3 Q. Ever take notes about the lawsuit?

4 A. No.

5 Q. Are there any witnesses or individuals
6 who you believe support your claims?

7 A. Excuse me?

8 Q. Do you have any witnesses or other
9 individuals who you believe support your claims?

10 A. Support my claims that --

11 Q. Of discrimination against AK Steel?

12 A. My lawyers, Darrell and Marnie.

13 Q. Is that it?

14 A. (Witness nodded.)

15 Q. Yes?

16 A. Yes. Shaking my head. I'm sorry.

17 Q. Is there anyone else?

18 A. That I can think of right now.

19 Q. Anyone else, other than Marnie, who
20 knows about your application to AK Steel?

21 A. That knows about my AK Steel, yes.

22 Q. Who?

23 A. That would be my mom, my dad. Then I
24 put one in -- would be -- I have a couple friends

1 and they'd know I put application in to AK Steel
2 (sic).

3 Q. What do your mom and dad know about
4 it?

5 A. They just know that we put AK -- put
6 application in. We flunked the -- they said we
7 flunked the test and that we're going through this
8 right now. They don't know much about this, so
9 they don't discuss it with us.

10 Q. Anyone else who has any knowledge
11 about any aspect of your claims?

12 A. No.

13 Q. Do you have any notes or documentation
14 or communications from AK Steel?

15 A. From AK Steel's --

16 Q. Mm-hmm.

17 A. No, I don't think so, no.

18 Q. Do you have copies of any documents
19 that you submitted to AK Steel?

20 A. No, not that I can think of right now,
21 no.

22 Q. Do you have any documents that you
23 used to seek employment with other employers?

24 A. No.

1 Q. A resume?

2 A. No.

3 Q. Have you ever created a resume?

4 A. No. I came close to it, but no.

5 Q. Have you ever had any written
6 communications with any of the other plaintiffs
7 that did not involve your attorneys?

8 A. Excuse me?

9 Q. Do you have any written communications
10 with any of the other plaintiffs that did not
11 involve your attorney?

12 A. No.

13 Q. I apologize. You're the third one, so
14 I may have asked this already.

15 Have you ever had discussions with any
16 of the other plaintiffs outside the presence of
17 counsel?

18 A. No.

19 Q. Do you know anything about any of the
20 claims of any other plaintiffs, other than Darrell
21 and Marnie?

22 A. Do I know anything about it?

23 Q. Yes, about their claims.

24 A. Not really. I know I should, but, no,

1 not really.

2 Q. All right. I guess I may have asked
3 this already, but do you know any of the other
4 plaintiffs other than Darrell and Marnie Carter?

5 A. Plaintiffs, do I know them?

6 Q. Do you know any of the other --

7 A. I know the plaintiff, Kay Jackson.

8 Q. How do you know her?

9 A. She's my cousin.

10 Q. She's your cousin?

11 A. Yes.

12 Q. How is she your cousin?

13 A. That's my mother's -- let me get it
14 right now. I know she's kind to my mom's side, I
15 know that. My mother's -- Kay and I's second
16 cousins. That would be my mom's first cousin, her
17 mom being a first -- a first cousin --

18 Q. Okay.

19 A. -- or her parents, her parents.

20 Q. Okay.

21 A. And Tiffany, same order. Tiffany
22 Jackson, my cousin.

23 Q. Is she a cousin, too?

24 A. Mm-hmm.

1 Q. My father, my grandfather was a
2 Jackson, my mom's father.

3 Q. Have you talked to either of them
4 about the lawsuit?

5 A. No.

6 Q. Have you talked to either of them
7 about AK Steel?

8 A. I don't hardly see them at all, so I
9 would say Tiffany, no; Kay, no, 'cause we don't
10 talk.

11 Q. Okay.

12 A. We're friends, but we just don't see
13 each other to talk.

14 Q. And do you know anything about their
15 applications to AK Steel?

16 A. No, just that they flunked the test.

17 Q. How do you know that?

18 A. Kay said it.

19 Q. Kay told you that?

20 A. Yes.

21 Q. When did she tell you that?

22 A. I didn't know that she was in on it
23 until the meeting. We had a meeting with our
24 lawyers and that's how I knew.

1 Q. Okay.

2 A. And really, I don't think Kay told me
3 she contacted -- I just assumed she flunked it
4 'cause she was in on this.

5 Q. Okay. Did you assume that everyone
6 there had flunked the test?

7 A. Yes.

8 Q. You've been handed what's been marked
9 as Exhibit 4. Have you seen this document before?

10 A. I do believe I have. Yes, I think I
11 have seen this before.

12 Q. If you'll look on --

13 A. One --

14 Q. I'm sorry?

15 A. I do believe I have seen this before.

16 Q. Okay. If you'll look on page 8 --

17 A. Eight?

18 Q. -- which does not have a number on it,
19 but it's the page after 7.

20 A. Mm-hmm.

21 Q. Is that your signature?

22 A. Yes, it is.

23 Q. Okay. And were you verifying that
24 your answers were true and complete?

1 A. Yes.

2 Q. And if you'll turn to page 4.

3 A. I'm all thumbs, okay.

4 Q. At the bottom of page 4 is something
5 that says interrogatory number two. Do you see
6 that?

7 A. Mm-hmm.

8 Q. And it asks you to identify all
9 employers for whom you've worked since January 1,
10 2001, correct?

11 A. Mm-hmm.

12 Q. And the next page is your answer?

13 A. The next page?

14 Q. Yeah, the top.

15 MS. DONAHUE: Right here.

16 BY MS. PRYOR:

17 Q. It says August 16th, 2002 to the
18 present at Sam's Club.

19 A. Mm-hmm.

20 Q. Is that accurate?

21 A. Yes. Well, the pay's still different,
22 though.

23 Q. Okay.

24 A. And 16 -- at the time, probably was 16

1 to 40 hours a week, but now it's not.

2 Q. Now it's less?

3 A. It's less.

4 Q. When did it become less?

5 A. Well, it's still probably about the
6 same. It varies. Like I said, I'm part time, so I
7 I -- so I at least get two days a week and
8 sometimes it's up to 40 hours, yeah. I would say
9 about the same, yeah.

10 Q. And then below that, it says
11 interrogatory number three. It asks you to
12 identify all employers to whom you've --

13 A. Mm-hmm, yes.

14 Q. -- applied for employment since
15 January 1, 2001. Do you see that?

16 A. Mm-hmm.

17 Q. And you see your answer there?

18 A. Mm-hmm.

19 Q. You say you've applied to AK Steel,
20 the employer listed in interrogatory number two,
21 which is Sam's Club; is that accurate?

22 A. Excuse me? Excuse me? You're --
23 okay. I applied to AK Steel -- it was before then,
24 before Sam's.

1 MS. DONAHUE: No, -- that's not --

2 BY MS. PRYOR:

3 Q. You applied to AK Steel before Sam's
4 Club?

5 A. Yes.

6 Q. Okay. And have you applied -- my
7 question really is, have you applied anywhere
8 besides AK Steel and Sam's Club?

9 A. Just one, like I said, Marathon.

10 Q. Okay. And that was last year?

11 A. That was last year. It was probably
12 before I got this. I can't remember. It was
13 before that.

14 Q. Do you keep your W-2's?

15 A. I try.

16 Q. Do you keep your tax returns?

17 A. I try.

18 Q. Have you done any -- made any
19 effort --

20 A. I haven't --

21 Q. -- to obtain your tax returns and
22 W-2's since 2001?

23 A. Excuse me?

24 Q. Have you made any effort to obtain or

1 retrieve your tax returns and W-2's from 2001 --

2 A. No.

3 Q. -- to the present?

4 A. Na-huh. You mean keep my application?
5 I mean, keep them there?

6 Q. Keep them and retrieve them, if you
7 have them. Have you looked for them?

8 A. I have looked for them. I can't find
9 them, yeah. This time, I can't find, some I can.

10 Q. Have you asked the IRS for copies?

11 A. Yes. They -- yeah, we just mailed
12 them out not too long ago.

13 Q. You have not received those back yet?

14 A. No.

15 Q. What is attached to this Exhibit 4?
16 There are some tax documents attached.

17 A. 2004 there, 2003. Four, 2004, I see
18 here.

19 Q. What are they -- is that how much you
20 made in 2004, 9,986?

21 A. I would say so. That's what it looks
22 like. Just --

23 MS. PRYOR: Let's take out of the
24 original there, this IRS e-file signature

1 authorization. It's got a PIN number in there and
2 I'm sure we don't need that in there. Susan, if
3 you want to help take that out --

4 MS. DONAHUE: Yeah, I will. See this
5 one right here? We're going to take this out
6 'cause it has PIN numbers and things. We don't
7 want that to be public information.

8 THE WITNESS: Okay.

9 MS. PRYOR: I don't think that
10 document has any bearing.

11 BY MS. PRYOR:

12 Q. Do you have pay stubs from your
13 employer?

14 A. Couple. I try to save them. I'm bad
15 about saving those, but I do have some. My
16 employer now?

17 Q. Yes.

18 A. Yes.

19 Q. And do you have your previous
20 employers?

21 A. This before Sam's, no.

22 Q. No?

23 A. (Witness nodded.)

24 MS. PRYOR: I have no further

1 questions, but I still do need the W-2's and tax
2 returns.

3 MS. DONAHUE: Okay. Can we have one
4 minute?

5 MS. PRYOR: Yep. Want me to step out?

6 MS. DONAHUE: Sure, if you don't mind.

7 (Off the record: 3:08 p.m. - 3:09 p.m.)

8 MS. DONAHUE: We just have a couple
9 questions. Ready?

10 EXAMINATION

11 BY MS. DONAHUE:

12 Q. Okay. In your role as class
13 representative in this lawsuit, have you attempted
14 to keep up with what's going on with the lawsuit?

15 A. Yes.

16 Q. Okay. And another question, I --
17 early on in your deposition, I think you were
18 testifying about gathering documents. When your
19 lawyers asked you to look for documents, did you
20 look for them at your house?

21 A. I looked for W-2's and stuff like
22 that, yes.

23 Q. The ones you had produced --

24 A. Yes.

1 Q. -- for Exhibit 4?

2 MS. DONAHUE: Okay. That's all.

3 THE WITNESS: Yes.

4 MS. PRYOR: Nothing further.

5 MS. DONAHUE: Okay. Thank you.

6 (Deposition concluded at 3:11 p.m.)

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Darlene D. Carter

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C E R T I F I C A T E

STATE OF OHIO :
: SS
COUNTY OF HAMILTON :

I, Susan M. Barhorst, a Notary Public in
and for the State of Ohio, duly commissioned and
qualified, do hereby certify that prior to the
giving of this deposition the within-named
DARLENE D. CARTER was by me first duly sworn to
testify the truth, the whole truth, and nothing but
the truth; that the foregoing pages constitute a
true, correct, and complete transcript of the
testimony of said deponent, which was recorded in
stenotypy by me, and on the 14th day of September
2007 was submitted to counsel for deponent's
signature.

I further certify the within deposition was
duly taken before me at the time and place stated,
pursuant to the Federal Rules of Civil Procedure;
that I am not counsel, attorney, relative or
employee of any of the parties hereto, or their
counsel, or financially or in any way interested in

1 the within action, and that I was at the time of
2 taking said deposition a Notary Public in and for
3 the State of Ohio.

4 IN WITNESS WHEREOF, I have hereunto set my
5 hand and notarial seal at Cincinnati, Ohio, this
6 14th day of September 2007.

7
8
9 Susan M. Barhorst, Notary Public
10 in and for the State of Ohio.
11 My commission expires
12 February 18, 2009
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